



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning & Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2400099
Applicant Name: Brittani Ard
Address of Proposal: 2540 Mayfair Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into three parcels of land in an environmentally critical area (40% steep slope area). Proposed parcel sizes are: Parcel A) 5,000 sq. ft., Parcel B) 5,119.1 sq. ft.; and Parcel C) 5,142 sq. ft. Existing swimming pool, equipment and pool shed to be removed.

The following approvals are required:

Short Subdivision - to divide one existing parcel into three parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA Environmental Determination - in an Environmentally Critical Area.
(Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition or involving
 another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity

The subject property is located in a Single Family 5000 (SF-5000) zone on the southern end of Mayfair Avenue North approximately 493 feet from the intersection of North Newell Street and Mayfair Avenue North. The irregular shaped, 15,262-sq. ft proposal site has 54 feet lineal frontage on Mayfair Avenue N. Mayfair Avenue North at the project location is a paved roadway without curb, gutter and sidewalk.

The subject site is vacant but contains an unused in-ground concrete swimming pool, a pool shed, asphalt driveway and a turnaround easement. The swimming pool area is surrounded by a six-foot high wood fence. Twelve medium sized Western Red Cedar trees form a landscaping hedge along the western section of the fence adjacent to the access and utility easement. Nineteen medium sized Western Red Cedar trees form an additional landscaping hedge along the northern and eastern section adjacent to the fence within the swimming pool area. Other existing features around the pool area include a low cinderblock wall, rip-rap wall, heat pump, four Apple trees and a Pryus Calleryana tree. The most significant geotechnical aspect of the property is the 40% steep slope environmentally critical area (ECA) located at the eastern portion of the property. A limited exemption was approved under project #2401117, based on the geotechnical information provided by Dennis M. Bruce, P.E. April 4, 2004. The limited exemption can be applied to the short plat. The Single Family zone abuts L-1 zone to the west and to the east. Surrounding zoning is Single Family 5000 (SF-5000). Development in the vicinity is predominantly single family residential uses.

Proposal

The applicant proposes to short subdivide one existing 15,262 square feet lot into three parcels of land in a steep slope environmentally critical area. Proposed Parcel areas are: Parcel A) 5000 sq. ft., Parcel B) 5,119.1 sq. ft.; and Parcel C) 5,142.9 sq. ft. Based on the configuration of the proposed parcels, Parcel C is the only parcel having direct street frontage on Mayfair Avenue N. Parcels A and Parcel B will be considered in this short subdivision as interior lots with no street frontage on Mayfair Avenue N. For lots with no street frontage, the applicant may designate the front lot lines subject to SMC 23.86.010A. The applicant may designate the front lot line for Parcel A and Parcel B. Proposed Parcels A, B, and C would have access to Mayfair Avenue N via existing 30.00 feet wide ingress, egress and utilities easement along the west edge of the subject site recorded under King County File Number 5396991. The applicant has indicated that the existing swimming pool, equipments including all portions of the wood fence and all the existing Western Red Cedar trees and shed on the site will be removed.

No development or construction activities are associated with the current proposal; the subject of this analysis and decision is limited to the proposed division of land.

Public Comments

Notice of the proposed short plat was published on July 29, 2004. The public comment period ended August 11, 2004. Several comment letters were received. Some respondents expressed concerns about potential drainage problems that may arise with the proposed short plat. Other respondents expressed concerns regarding parking and traffic impacts, destruction of trees and the waterfowl habitat in the area.

ANALYSIS - SHORT SUBDIVISION

Based on information provided by the applicant, referral comments from DPD's Drainage Section, Seattle Fire Departments, and Seattle Public Utilities (Seattle City Light and Water Department); and review by the Land Use Planner, the following findings are made with respect to the applicable criteria:

Pursuant to SMC 23.24.040, The Director shall, after conferring with appropriate officials, use the following applicable criteria to determine whether to grant, condition, or deny a short plat.

1. Conformance to the applicable Land Use Code provisions:

The lots created by the proposed short subdivision would conform to all development standards of the SF 5000 zone and the Environmentally Critical Area Ordinance. The lot configurations provide adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other Land Use Code development standards. Any new development must conform to land use code requirements at the time of application.

2. Adequacy of access for vehicles, utilities, and fire protection, is provided in Section 23.53.005:

Proposed Parcels A, B, and C would have adequate vehicular and utility access to Mayfair Avenue N.

The Seattle Fire Department would provide emergency vehicle access to the site, and after review of the application, the Fire Department has approved the proposed short plat for emergency vehicle access. Because proposed Parcels A and B would not have direct street frontage on Mayfair Avenue N, an easement or covenant should be provided on proposed Parcel C to allow the posting and maintenance of address signs for Parcels A and B.

The applicant signed a no protest agreement to allow future street improvement in this area. Seattle City Light does not require any additional easements to provide electricity. The short plat will provide adequate access for vehicles, utilities, and fire protection.

3. Adequacy of drainage, water supply, and sanitary sewage disposal:

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle, and availability of service is assured subject to standard conditions of utility extension.

The proposed parcels would be connected by means of side sewer to an 8-inch public combined sewer (PS) located in Mayfair Avenue N. The PS is also an appropriate point for stormwater discharge. The DPD drainage reviewer revealed that there is an existing sand box located upon the proposed short plat. This drainage structure may have been originally installed to collect the stream in the “draw” located to the south of the proposed short plat. It appears that this stream is now collected in a non-specific type of drainage structure at the rear of 2536 Mayfair Avenue N.

Future new construction with discharge to the sanitary sewer would require a sidesewer permit. Stormwater detention, with controlled release to the PS in Mayfair Avenue N, would likely be required for construction in excess of 2,000 square feet of development coverage. Plan review requirements would be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project proposes more than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015(D) and 22.802.020, may be required.

The short plat application was reviewed by Seattle Public Utilities, and Water Availability Certificate #20041069 was approved and issued on July 26, 2004.

4. *Whether the public use and interests are served by permitting the proposed division of land:*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas:*

The site contains an identified steep slope environmentally critical area as defined in SMC 25.09.020. The steep slope area lies along the eastern edge of proposed Parcels A, B, and C. However, under project #2401117 and according to geotechnical information provided by Dennis M. Bruce, April 4, 2004, a limited exemption from ECA Steep Slope Development Standards was approved for this site.

Finally, grading and construction of any future structures would be reviewed during the building permit stage and would be examined for conformance with all applicable requirements of the Land Use Code pertaining to the Environmentally Critical Area Ordinance. Therefore, this proposed short subdivision is in conformance with the requirements for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees:*

The design of the plat would allow for retention of some of the trees on the site. The site contains approximately thirty seven trees with diameter of six inches or greater. The layout of the proposed short plat including access and likely location of future building footprints would result in the removal of majority of trees. The applicant should note on the face of the plat that all future construction must comply with the tree removal and/or retention development standards of SMC 23.44.008 and Chapter 25.11.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivision, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, cluster housing, or single family housing:*

This short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat application.

8. *Conformance to the provisions of Section 23.24.046, multiple single family dwelling units on a single family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single family dwelling unit:*

This Short Subdivision is not a multiple single family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY APPROVED** subject to the conditions noted at the end of the report.

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated July 20, 2004, and supplemental information in the project file submitted by the applicant. The information in the checklist, a Geotechnical Report prepared by Dennis M. Bruce, April 4, 2004, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and comments received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance: This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance: This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA:

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. Show the side yard setback for the existing house from the new lot line. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.
2. Add the conditions of approval after recording on the face of the plat, or on a separate sheet if necessary.
3. Submit the final recording forms and fee for approval.
4. Provide an easement, covenant or other agreement to allow posting and maintenance of address signage for Parcels A and B on Parcel C in a manner appropriately visible from Mayfair Avenue N.
5. Place a note on the face of the plat stating: Tree removal shall be subject to the standards of SMC 23.44.008 and Chapter 25.11.

After Recording and Prior to Issuance of a Building Permit

6. Attach copy of the recorded short plat with the plans upon application for a construction permit.

Signature: (signature on file) Date: December 2, 2004
Christopher A. Ndifon, Land Use Planner.